

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15-CR-404 HEA NAB
)	
ADRIAN LEMONS,)	
)	
Defendants.)	

ORDER

All pretrial matters in this cause have been referred to the undersigned pursuant to 28 U.S.C. §636(b). The Defendant is charged in several death-eligible counts in the indictment. Following the filing of the Third Superseding Indictment, the undersigned granted the Government's supplemental motion for a complex case finding [[Doc. #476](#)].

The Defendant retained attorney Nick A. Zotos to represent him in this matter. After receiving notice of a potential conflict involving Zotos' representation of another individual in a federal legal matter, the undersigned held several conflict hearings. "[T]he district court must be allowed substantial latitude in refusing waivers of conflicts of interest not only in those rare cases where an actual conflict may be demonstrated before trial, but in the more common cases where a potential for conflict exists which may or may not burgeon into an actual conflict as the trial progresses." *Wheat v. United States*, 486 U.S. 153, 163, 108 S. Ct. 1692, 1699, 100 L. Ed. 2d 140 (1988). Having conducted an inquiry into the propriety of Nick Zotos' representation of Adrian Lemons, the undersigned finds that there is a "serious potential for conflict" in this matter that requires substitution of counsel for Zotos on behalf of Defendant. *Wheat*, 486 U.S. at 164.

Accordingly,

IT IS HEREBY ORDERED that attorney Nick A. Zotos is withdrawn from representing the Defendant. Defendant is directed to retain new counsel **no later than June 27, 2016**. If Defendant is unable to afford counsel, the undersigned will appoint an attorney to represent him.

IT IS FURTHER ORDERED that an arraignment is set on **Tuesday, June 28, 2016 at 10:00 a.m.** in the courtroom of the undersigned.

IT IS FINALLY ORDERED that the conflict hearing previously set for Thursday, June 23, 2016 is **VACATED**.

Dated this 15th day of June, 2016.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE